

Request for Reconsideration  
Application No. 10/809,889  
Attorney Docket No. 042089

**REMARKS**

Claims 13-19 are pending in the present Application. Reconsideration in view of the following remarks is respectfully requested.

**As to the Merits:**

As to the merits of this case the Examiner relies on the newly cited reference of Li (see US Pub-2003/0182428) in setting forth the following rejections:

- 1) claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Li; and
- 2) claims 14-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Li in view of Dorenbosch et al. (of record).

Each of these rejections is respectfully traversed.

With regard to independent claim 13, Applicants believe that the Examiner's reliance on the newly cited reference of Li for teaching the features of claim 13 is lacking. That is, while Li may disclose a P2P network 100 in Fig. 2A that includes various peer computers 102, one or

more networks 104 and an optional dedicated server device 106, it is respectfully submitted that Li fails to disclose an instant message (IM) server.

Instead, as discussed in paragraph [0077] of Li, system model 300 includes three basic layers, namely, a user interface layer 302, a function logic layer 304 and a P2P network layer 306. These layers may, for example, be implemented at the ISO model's application layer in software operating in a peer computer 102.

Further, as discussed in paragraph [0086] of Li, the instant messaging module 314 is also provided in the user interface layer 302, wherein the instant messaging module 314 is configured to allow the user to send and receive instant messages to a particular buddy.

As such, it is respectfully submitted that Li is simply not concerned with using an IM server, since Li purposely avoids using an IM server by setting up a peer to peer communication system wherein the instant messaging module 314 is included in a user interface layer 302, which is implemented in the ISO model's application layer in the software operating in the peer computers 102.

Moreover, while Li clearly discloses that an optional dedicated server device 106 may be connected in the peer to peer network, as shown in Fig. 2A, it is respectfully submitted that such

server device 106 fails to constitute an instant message server, and instead corresponds to the communication device server 100, and not the IM server 14, for example, as shown in Fig. 1 of the present application.

Accordingly, it is respectfully submitted that since Li fails to include an IM server in its peer to peer network and instead includes the instant messaging modules 314 directly in the ISO model's application layer in the software operating in the peer computers 102, it is respectfully submitted that Li fails to disclose the following features set forth in claim 13:

*detecting by a terminal of a forwarder, whether or not a user of a terminal of a forwarding destination is logged in **an instant message server**;*

*transmitting an instant message including identification information of the terminal of the forwarding destination from the terminal of the forwarder to a communication device when the user of the forwarding destination is not logged in **the instant message server**; ...*

*detecting by the communication device, whether or not the user of the forwarding destination designated as the terminal of the forwarding destination is logged in **the instant message server**; and*

*transmitting the instant message stored in the means for storing from the communication device to the terminal of the forwarding destination **when the user of the forwarding destination logs into the instant message server**,*

Request for Reconsideration  
Application No. 10/809,889  
Attorney Docket No. 042089

As such, it is respectfully submitted that Li fails to anticipate the features of claim 13, since Li fails to disclose or fairly suggest each and every feature of claim 13.

In view of the above remarks, Applicant requests reconsideration of this application and believes that the application is in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Thomas E. Brown  
Attorney for Applicant  
Registration No. 44,450  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

TEB/nrp